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BEFORE THE FEDERAL ELECTION COMMISSION

2016 DEC 21 PM 4: 02

**ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT**

MUR: 7037

Complaint Receipt Date: April 8, 2016

Response Date(s): June 1, 2016

**Respondents: Donald J. Trump for President,
and Timothy Jost, as treasurer
(collectively the "Committee")
Donald J. Trump**

EPS Rating:

**Alleged Statutory/
Regulatory Violations:**

**52 U.S.C. §§ 30120(a)(1), (d)(1)(B)(ii)
11 C.F.R. §§ 110.11(b)(1), (c)(3)(iii)**

The Complaint alleges that the Committee violated the Federal Election Campaign Act of 1971, as amended ("the Act") and Commission regulations by failing to include proper disclaimers on television advertisements that included a statement of the candidate's approval. The Complaint alleges that the Committee released a thirty-second political ad critical of fellow Republican candidate Governor John Kasich prior to the Ohio Republican Presidential Primary, which did not contain a written disclaimer for the required length of time at the end of the advertisement. The Complaint claims that the beginning of the ad contained a visual and verbal statement of candidate approval, as well as an appropriate written disclaimer, however, the conclusion of the ad did not contain a similar written disclaimer for the length of time (at least four seconds) required by the Act and Commission regulations. The Committee acknowledges that, due to vendor error, the written disclaimer appeared at the beginning, not the end of the ad. The Response claims that the campaign substituted a corrected version of the ad the day after it shipped the original ad to television stations.

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity


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and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating, the technical nature of the violation, and the swift remedial action by the Committee, we recommend that the Commission dismiss the allegations consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all respondents and send the appropriate letters.


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12.21.16
Date

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